

Remarks

Claims 1-43 were previously presented for the Examiner's review and consideration.

Interview Summary

Applicant and Applicant's representatives, Paul Bianco and Gary Winer, appreciate the courtesies extended to them during a telephonic interview with Examiner Philogene on April 30, 2008. The amendments and remarks presented herein reflect those discussed during the interview, and Applicant respectfully submits that this Response satisfies the requirements of MPEP §713.04.

During the interview, the Applicant noted that a reference cited in the rejection, Engh, had been sworn behind in a previous response. The Examiner requested that this be pointed out in a response After Final.

35 U.S.C. §103(a) Rejection

Claims 1-7, 11-13, 15-28 and 30-43 were rejected as being unpatentable over MacArthur (6,342,075) in view of Engh et al. (6,482,209). For reasons set forth below, Applicant respectfully submits that this rejection should be withdrawn.

Applicant submitted a Declaration under 37 C.F.R. §131, having a mail room date of April 30, 2007, which, as described in an accompanying Response, establishes an invention date prior to the effective date of Engh.

As the remaining reference, MacArthur, does not disclose or suggest all claimed elements as claimed in independent claims 1, 12, 27, and 43, Applicant respectfully submits these claims are allowable over the cited references. As claims 2-7, 11, and 42 depend from claim 1; claims 13 and 15-26 from claim 12; and claim 28 and 30-41 from claim 27, these dependent claims necessarily include all the elements of their base claims. Accordingly, Applicant respectfully submits that the dependent claims are allowable over the cited references for the same reasons.

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Application No.: 10/727,290
Examiner: P. Philogene

In light of the foregoing, Applicant requests reconsideration and withdrawal of the section 103 rejection.

Conclusion

In the light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fees are believed to be due. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 503410 (Docket No. 780-A03-012D).

Respectfully submitted,

/ Gary S. Winer /

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